

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Eureka School District
Accountability Review - Focus Monitoring Report 2007-2008**

Team Members: Barb Boltjes, Education Specialist; Angie Boddicker and Elizabeth Gordon, Special Education Programs

Dates of On Site Visit: April 22, 2008

Date of Report: May 13, 2008

3 month update due: August 13, 2008

Date received:

6 month update due: November 13, 2008

Date received:

9 month update due: February 13, 2008

Date received:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act;
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. GENERAL SUPERVISION

Present levels: April 22, 2008

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

Finding: Through a review of student records, the team identified a high school student who does not have a current multidisciplinary evaluation in place. The most recent evaluation available in the student file was dated January 15, 2004. In addition, there are no IEP's for December 1, 2006 and December 1, 2007. Student number 2 does not meet the eligibility for a specific learning disability. In student file # 3, documentation of a student's medical diagnosis of ADHD was not included on the prior notice or available for reference in the student file. The student was identified as Other Health Impaired on child count. In review of student file #4, the team noted documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act was not consistently present for verification of the annual federal child count. The student is listed on the 2007 child count under the disability category of autism, the evaluation information available does not support the category of autism.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district must provide training for all special education staff in determining areas of suspected disability, documenting a variety of assessment tools including transition assessment and strategies to gather relevant functional, developmental, and academic information about the child.		Special Education Director and staff.	
Data Collection: The district will submit to SEP an agenda, the	August 15, 2008		

<p>presenter (s) name, the date and a list of all special education staff in attendance.</p> <p>Activity/Procedure: The district will develop and implement a procedure for reviewing all student files to ensure evaluation documentation is present supporting the student's disabling condition as reported on child count annually. The district will ensure the evaluation documentation available in the student's files matches the required evaluations in the technical assistance document "Determining Eligibility for Special Education in South Dakota". The district will ensure that all appropriate evaluation data is present and/or discrepancies corrected prior to reporting 2008 child count including information for student files 1-4.</p> <p>Data Collection: The district will report the total number of student files reviewed and the number of files that required correction. The district will specifically report the action taken by the team regarding the eligibility of student files 2, 3, and 4.</p>	December 1, 2008		
---	------------------	--	--

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. GENERAL SUPERVISION

Present levels: October 8, 2008

ARSD 24:05:30:15. Surrogate parents. Each school district shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected if no parent, as defined in § 24:05:13:01, can be identified and the district, after reasonable effort, cannot locate a parent or if the child is a ward of the state or the child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007. A district's method for determining whether a child needs a surrogate parent must include the following:

- (1) The identification of staff members at the district or building level responsible for referring students in need of a surrogate parent;
- (2) The provision of in-service training on the criteria in this section for determining whether a child needs a surrogate parent; and
- (3) The establishment of a referral system within the district for the appointment of a surrogate parent.

If a child is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, if the surrogate meets the requirements of this section.

The district superintendent or designee shall appoint surrogate parents.

The district shall ensure that a person selected as a surrogate has no personal or professional interest that conflicts with the interest of the child the surrogate represents and has knowledge and skills that ensure adequate representation of the child. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents.

A person assigned as a surrogate may not be an employee of the department, district, or any other agency that is involved in the education or care of the child.

If a child is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents, without regard to the nonemployee provision above, until a surrogate parent can be appointed who meets all of the requirements of this section.

A person who otherwise qualifies to be a surrogate under the provisions of this section is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.

The surrogate parent may represent the student in all matters relating to the identification, evaluation, educational placement, and provision of FAPE to the students.

The department shall make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a district determines that the child needs a surrogate parent.

Through interviews and file reviews, the monitoring team decided the district has not trained or certified surrogate parents and does not have a list of individuals who may serve as surrogate parents.

Follow-up: April 22, 2008

Finding: Meets Requirement

The monitoring team determined the district has a list of individuals who may serve as surrogate parents and indicated training had been provided.

Corrective Action: None

3. GENERAL SUPERVISION

Present levels: October 8, 2008

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

(1) A statement of the student's present levels of academic achievement and functional performance, including:

(a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

(a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

(b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(a) To advance appropriately toward attaining the annual goals;

(b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

(c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

(a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student;

6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

(9) Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

Findings: Based on interviews with school personnel and file reviews, the review team agrees with the Eureka steering committee that IEP's need to consistently contain skill based, measurable/observable annual goals. In five out of eleven files reviewed this was not the case. In general, IEPs did not consistently contain skill based, measurable/observable annual goals that were linked to the functional evaluation (e.g. "Student" will pass his classes with a 70% or above, 100% of the time 4/4 quarters).

Follow-up: April 22, 2008

Findings: IEP's did not consistently contain skill based, measurable/observable annual goals linked to functional information in the present levels of academic achievement and functional performance. The PLAAFP did not consistently include strengths and needs, goals and/or objectives linked to functional evaluation and documentation of progress toward the goals and objectives.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district must provide training for all special education staff on the entire special education process from referral to placement. Data Collection: The district will review all student files, report the number of files reviewed and the number of files containing required information in the present levels of academic achievement and functional performance and the documentation of progress toward the goals and objectives.	August 15, 2008	Special education director and staff.	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: October 8, 2005

ARSD 24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to postschool activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

Finding: In the four files of students who were of transition age, a transition evaluation addressing all areas of transition was not completed, there was not a coordinated set of activities based on the individual student's needs, taking into account the student's preferences and interests, and did not include instruction, related services, community experiences, the development of employment and other post school adult living objectives, an, if appropriate, acquisition of daily living skills and functional vocational evaluation in all areas. An example from one file of transition services included the following under employment: Student has been working since she was 16. No activity recommendations were included, nor the title of personnel/agency responsible, the date initiated, the projected date completed and the date completed were not included. Under independent living, the section was completely blank. Furthermore, the transition services plan content was not linked back to IEP goals. Therefore, the review team agrees with Eureka's steering committee's findings, the area of transition services was not appropriately addressed during the evaluation process and is out of compliance.

Follow-up: April 22, 2008

SPP Indicator: 13: Percent of youth age 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

Finding: Out of Compliance

Through a review of transition IEPs written during the 2007-08 school year, the review team found in student file # 1 and 2, there was no transition evaluation in place by the 16th birthday and the IEPs developed did not reflect a coordinated set of activities designed to meet the student's post-secondary goals.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district must provide training for all special education staff in determining areas of suspected disability, documenting a variety of assessment tools		Special Education Director and	

<p>including transition assessment and strategies to gather relevant functional, developmental, and academic information about the child and in using the evaluation information to develop and Individualized Education Program.</p> <p>Data Collection: The district will submit to SEP an agenda, the presenter (s) name, the date and a list of all special education staff in attendance. The district will review all files for students turning 16, report the number of files reviewed and the number of files containing transition evaluations and appropriate transition services.</p>	<p>August 15, 2008</p>	<p>staff</p>	
--	------------------------	--------------	--

3 month Progress Report:

6 month Progress Report:

9 month Progress Report: